

Tribune
11/20/07

Who needs a legislature?

When it comes to health-care spending, Illinois is living beyond its means. Only a third of the way into the fiscal year, Illinois has already spent half of its \$6.8 billion health care budget, the state comptroller's office reports.

But Gov. Rod Blagojevich is still shoveling cash out the door. He is moving to extend state-subsidized health insurance to reach some 147,000 adults. The expansion will cost at least \$225 million a year by the governor's estimate; his critics figure the price tag will be far more.

Never mind that legislators last spring wouldn't go along with this expensive deal. Never mind that last week the plan was rejected again, this time on a 9-2 vote by a bipartisan panel of legislators that reviews how state laws are carried out.

Blagojevich has decided to ignore them all. The vote by the review panel? "Merely advisory," his spokesperson said.

How convenient for him.

Blagojevich is taunting lawmakers: Sue me! No surprise there, this governor loves government-by-lawsuit. In September, Blagojevich sued the clerk of the Illinois House in September for not recording his vetoes quickly enough.

That was a frivolous waste of time.

But it seems lawmakers are going to have to go to court to protect their power of the purse.

A lawsuit to force the governor to end his dictatorial spending of taxpayers' dollars could take a while to untangle. But the state is already signing people up for the expanded health insurance program. (It would cover adults in a family of four that makes up to about \$82,000 a year.)

That rush to create a legally dubious program is troubling, both for patients and for those who take care of them.

Doctors and other health-care providers may have reason to doubt that money to pay bills will materialize, given the state's mounting debts. People who sign up for this coverage also will face a risk. If the governor is found to have overstepped his authority, their eligibility could be revoked, leaving them saddled with medical bills that they thought were covered by insurance. They'd have no one to blame but the governor.

"If he has a question as to either his ability to do this or our ability to prevent him from doing this, leadership skills and decency would dictate that you have this question resolved first, before throwing people's health care or medical providers practices into legal limbo," says state Rep. John Fritchey (D-Chicago), who is a member of the Joint Committee on Administrative Rules.

Springfield is awash in speculation that Blagojevich wants to push as many people as possible into the state program and spend as much as possible, even while its legality is in question. That way, the theory goes, the program becomes so entrenched that the legislature would have no alternative but to find money to keep it going.

That would be reckless, particularly in a state that has more than \$100 billion in debts and obligations, much of it for pensions and health-care costs. The state's in a fiscal hole. And the governor is digging faster.

Obscure panel now in spotlight

The latest obstacle to Gov. Rod Blagojevich's crusade for more health care is an obscure legislative panel on shaky constitutional ground.



Aaron
Chambers

Questions about whether the panel's power stretches beyond the state constitution's boundaries have persisted since the Legislature bestowed on the panel the power to block administrative rules.

Blagojevich is trying to use the administrative rule process to force the state into providing more discounted health care to Illinoisans. Naturally, he now argues that the legislative panel, called the Joint Committee on Administrative Rules, lacks the power to block him.

On Friday, his administration said it would proceed with a health-care plan that JCAR rejected Tuesday. The panel voted 9-2 against the governor's plan, couched in an "emergency" administrative rule, to extend the state's FamilyCare program to an additional 147,000 adults.

Key lawmakers say the expansion plan, with full participation, could cost the state \$367.5 million annually. But administration officials have refused to have a detailed discussion of long-term cost, calling such talk "premature."

"We're proceeding under the emergency rule," said Blagojevich spokeswoman Abby Ottenhoff.

Administrative rules are extensions of statutes. Lawmakers write statutes, and the governor's agencies promulgate rules to implement those statutes. Generally, rules cover far more nuance than statutes.

JCAR, a panel of 12 lawmakers, reviews administrative rules. And with the vote of eight members, it can reject them. It's called a legislative veto — a check on the executive branch's power over rule making.

Ottenhoff added that, "JCAR does not have the authority to suspend the emergency rule expanding Family Care. JCAR's role is merely advisory — it does not have the constitutional authority to suspend the regulation."

In fact, JCAR does have the power to suspend the regulation. It has had that power, under Illinois law, since 1980. But that power is not without controversy.

When lawmakers granted JCAR the power of legislative veto in 1980, then-Gov. Jim Thompson vetoed the law. He said it constituted "a serious and unwarranted intrusion by the General Assembly and one of its committees into areas properly reserved to the executive and judicial branches of government."

Lawmakers toppled Thompson's veto, but even they were divided on the question.

Sen. Brad Burzynski, a Clare Republican and JCAR member who voted against the governor's emergency rule, said Blagojevich appeared to be inviting a lawsuit rather than filing one himself. Since JCAR's vote Tuesday, the Capitol has been rife with speculation that Blagojevich or a surrogate would go to court and challenge JCAR's action as an unconstitutional check on his authority.

Blagojevich is on a roll with lawsuits. Since summer, he twice sued House Speaker Michael Madigan, D-Chicago. Ottenhoff said the governor had "no plans to" file a lawsuit.

"Talk about the height of arrogance that this administration, that this manchild, has," Burzynski said. "It just blows my mind."

Staff writer Aaron Chambers may be reached at 217-782-2959 or achambers@rrstar.com.

ST-R
11/20/07

Special session ordered

Governor wants answer for Chicago's mass transit problem

By **MIKE RAMSEY**

GATEHOUSE NEWS SERVICE

CHICAGO — Gov. Rod Blagojevich on Monday ordered state lawmakers to Springfield next week to work on a financial bailout for Chicago-area mass transit, even though he said he may be able to single-handedly find more money to sustain commuter trains and buses.

Also, the Chicago Democrat defended his intent to ignore a legislative rules committee that rejected his plans to expand discounted health care for thousands of Illinois parents and guardians.

Blagojevich said he has called a special session on transit for Nov. 28, after lawmakers spend time with their families over Thanksgiving. He credited his administration for identifying stopgap money for the Chicago Transit Authority and its suburban counterparts, Metra and Pace, earlier this year. He said he may even be able to find more funds on his own but cautioned there are limits.

"My message to the General Assembly is very simple: Let's get something done," the governor said during a news conference at his Loop office. "I'm running out of options where I can unilaterally bail out the CTA and stave off what could become a terrible situation for riders."

Blagojevich and legislative leaders have met privately to discuss mass transit and a capital construction program that the minority Republican Party has demanded in return. But the negotiations have been a bust, in part because of policy disagreements over how to raise the transit dollars. Blagojevich has promised to veto a proposed increase in the regional sales tax that is earmarked for the transit agencies and instead backs a plan that would tap into a portion of the state sales tax from gasoline purchases.

Also holding back progress on transit and capital has been the personality conflict between Blagojevich and House Speaker Michael Madigan, a Chicago Democrat who favors the regional sales tax hike.

Representatives for two of the legislative leaders said Monday they had not seen the governor's formal proclamation for the special session and offered little comment. But House Republican Leader Tom Cross of Oswego said it's worth having lawmakers take another stab at mass transit and a capital program.

"There's no question we need to finalize both mass transit and capital," said Cross, who advocates a "modest" transit-fare increase over the governor's objections. "If (the special session) aids in the process, then I'm supportive of it."

The capital construction projects linked to transit assistance would be financed through a gambling expansion in Illinois; leaders have not agreed on the scope beyond the creation of a Chicago land-based casino.

If new state dollars don't arrive soon, the cash-strapped CTA has prepared a "doomsday" plan to cut service and raise fares in January. The measures would have political ramifications for Blagojevich and legislative leaders, who had all spring and summer to hammer out a solution. The governor called several special sessions earlier this year as he and lawmakers feuded over a state budget.

The Blagojevich administration has moved ahead with emergency plans to expand the state's Family Care medical program, in defiance of the Joint Committee on Administrative Rules. JCAR last week rejected the measure, which would offer discounted medical care to nearly 150,000 adult Illinoisans through looser income restrictions.

Blagojevich on Monday said the rules committee, which comprises six Democrats and six Republicans, does not have constitutional power over his office.

"Where is it written that a handful of legislators — 12 of them — can tell the executive branch what it's going to do when it comes to administering the executive branch?" the governor said.

"I'm a stickler and proponent of JCAR and the legislative process," Cross, the House GOP leader, countered. "I respect (the governor's) argument and advocacy for the executive branch. I'm also protective of the legislative branch. We have a different view on it."

Mike Ramsey can be reached at (312) 857-2323 or ghns-ramsey@sbcglobal.net.

(4) Friends challenge you to the IQ Quiz

The smartest scored **127**. Find out who and if you can beat them!

[Continue](#)

Chicago Tribune
chicagotribune.com

2007 > November > 18 > News

Archives News

Archive for Sunday, November 18, 2007

'No' now 'yes' for health program Governor defies legislative panel

By Ray Long, David Mendell, and Tribune Staff Reporters
November 18, 2007

SPRINGFIELD - Gov. Rod Blagojevich is moving ahead with a broad expansion of state-subsidized health care even though a legislative oversight panel told him "no" last week.

The governor's administration has told state social service agencies that health coverage under the FamilyCare program is being expanded, an increase that could reach an estimated 147,000 people. Those state agencies already have begun signing up new participants despite a rejection of the plan by the panel.

The move by Blagojevich is only the latest in testing the extent of his executive authority against a legislature that has shot down his plans to expand health care, citing questions about its affordability.

"The number of individuals with access to affordable medical care will be increased," according to internal documents obtained by the Tribune. "This is particularly true for working adults who cannot afford the high cost of insurance premiums or trips to the doctor, hospital, etc. Without this program, these individuals will be subjected to poor or very limited medical care."

Blagojevich is expanding FamilyCare income eligibility to \$82,600 for a family of four to give more people medical coverage. Previously, the income cutoff was \$38,202 a year for that same family.

On Tuesday, a legislative rule-making panel voted to block Blagojevich's attempt to enact the health-care expansion. But Abby Ottenhoff, a Blagojevich spokeswoman, insisted the panel is not legally empowered to block the governor's actions.

"[The panel's] role is merely advisory," Ottenhoff wrote in an e-mail response to the Tribune late Friday. "It does not have the constitutional authority to suspend the regulation."

Lawmakers who thought they had blocked the governor last week were caught off guard by Blagojevich's decision to press ahead despite the rejection.

"If indeed the governor believes that [the panel] does not exist without constitutional underpinnings, why did he bother to go to [there] at all?" said state Rep. Lou Lang (D-Skokie), a member of the panel. "And why do any of his agencies go [there] for rule changes?"

Lang noted Blagojevich's health-care initiatives "have failed on a number of fronts" in the Democratic-controlled legislature.

Rep. John Fritchey (D-Chicago) opposed the expansion during the panel's meeting last week, arguing it exceeded the governor's authority. He called Blagojevich's latest actions "disheartening as they only serve to further the disconnect between the administration and the legislature."

"Just as ... no man is an island, this governor is not a state government unto himself," Fritchey said, predicting a legal showdown over the constitutional authority of the governor and the legislature.

The Blagojevich administration is relying on arguments from a nearly 30-year-old controversy that erupted between then-Gov. James R. Thompson and state lawmakers over the authority of the rule-making panel.

Blagojevich has regularly signaled disdain for the actions of lawmakers in rejecting his initiatives, even though the legislature is controlled by members of his own party. The governor went so far as to file suit against House Speaker Michael Madigan of Chicago, the chairman of the state Democratic Party, accusing him of disregarding his calls for special legislative sessions aimed at enacting his budget-related initiatives.

"Thousands of parents in Illinois are on the brink of losing their health coverage or are going without coverage because they can't afford it," Ottenhoff said.

Blagojevich's maneuver comes at a time when he and legislative leaders are trying to reach elusive deals to expand gambling, launch multibillion-dollar statewide construction programs and provide new money for Chicago-area trains and buses.

Even one of the two lawmakers who sided with Blagojevich last week during the lopsided rejection of his program disapproved of his latest tactic.

"I think it's a bad negotiating tactic because if you want people to go along with you, you aren't constantly in [their] face," state Rep. Rosemary Mulligan (R-Des Plaines) said.

rlong@tribune.com

dmendell@tribune.com

Related articles

- Blagojevich, humbled Aug 15, 2007
- Governor's tax plan to get full hearing

House prepares for debate as students, teachers rally for funding May 03, 2007

- Daley favors use of gas tax to help keep CTA running Nov 28, 2007
- Governor hits the road with his tax plan\Middle class could use a break, he says Apr 03, 2007
- Jackson faults Blagojevich tax plan Apr 07, 2007

More from Ray Long, David Mendell, and Tribune Staff Reporters

Copyright 2008 Chicago Tribune

Ignoring legislative rejections, Blagojevich pushes health plan

November 19, 2007

BY RYAN KEITH Associated Press

SPRINGFIELD, Ill.--- Gov. Rod Blagojevich is moving ahead with a multimillion-dollar health care program, even after lawmakers refused to approve the money and the rules for its operation.

Blagojevich said Monday he's going ahead with plans to add about 147,000 parents and caretakers to the Family Care insurance program, despite lawmakers' objections.

"I'm going to continue to do what I think is right, and that's one of the good things about being governor," Blagojevich said at a news conference in Chicago where he announced another special legislative session for next week on mass transit issues. "You can do things like this."

Some lawmakers disagree.

Last week, the Legislature's Joint Committee on Administrative Rules rejected Blagojevich's proposal for operating an expanded program. Earlier in the year, lawmakers repeatedly refused to support the governor's plans to pay for the expansion.

Some legislators predict the issue will end up in another courtroom fight and most certainly aggravate already hard feelings at the state Capitol.

"I don't believe this administration deserves the benefit of the doubt," said Sen. Brad Burzynski, a Clare Republican and JCAR member. "I'm thoroughly amazed by his attitude and his agency's. Never have I seen anything like this from any administration."

Blagojevich has pushed hard all year to provide affordable health care coverage to all Illinoisans.

But the Legislature has pushed back just as hard. Many lawmakers say the state can't afford such expansion, even though the goal is worthwhile.

The governor took his battle from the full Legislature last week to JCAR, a 12-member panel of Republicans and Democrats set up to approve administrative rules to enact new programs or changes to existing ones.

Blagojevich pushed an emergency rule to preserve coverage for up to 20,000 parents and caretakers of children who could be dropped from a federal program and another 147,000 more through Family Care. JCAR said no to the rule, calling it an end run around the Legislature.

The administration wants to expand the program's income eligibility from \$38,000 to almost \$83,000 for a family of four.

Blagojevich responded by saying JCAR doesn't have the constitutional authority to block the rule, so it's moving ahead with signing up families -- at an expected cost of \$43 million this year.

JCAR members say while the commission isn't mentioned in the state Constitution, state law gives it say over rulemaking. They expect a court challenge to Blagojevich's move soon.

Blagojevich already has sued lawmakers twice this year: one case has been resolved, while another over special session authority is pending.

"The legality of such actions is not the only question here," said Rep. John Fritchey, D-Chicago. "The larger question is whether or not this is a manner by which to run a state."

Blagojevich spokeswoman Abby Ottenhoff said the administration doesn't intend to sue over the issue but "we believe our position is based on solid legal grounds."

A key component of any legal challenge on the health care expansion could come down to money.

Lawmakers insist he doesn't have the authority to spend money on programs and services not approved by the Legislature, but Blagojevich disagrees. He cut \$480 million from the budget they sent him this summer to free up cash for health care.

"It gives me all kinds of flexibility to move it around as we have been doing," Blagojevich said. "We want to stockpile some of that money for what I think are more important priorities."

A health care advocacy group says it is pleased expansion efforts are moving forward but says lawmakers ultimately will need to do more.

"This issue isn't about Governor Blagojevich. This isn't about JCAR," said Jim Duffett, executive director of the Campaign for Better Health Care. "The people want action, they want the General Assembly to take action on accessible, affordable health care."

Copyright 2007 Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.